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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,005	01/16/2001	Sung-Won Lee	678-595 (P9710)	6052
28249 75	590 06/29/2006		EXAMINER	
DILWORTH & BARRESE, LLP			SCHEIBEL, ROBERT C	
	VINGTON BLVD.		ART UNIT PAPER NUMBER	
UNIONDALE, NY 11553				TALLANDIDER
			2616	
			DATE MAILED: 06/29/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief  Examiner Robert C. Scheibel  ARI Unit Robert C. Scheibel  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  THE REPLY FILED <u>07 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandoniment of this application, applicant must timely file one of the following replies: (1) an amendment, affidation, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 11.31. to (3) a Request for Continued Examination (REC) in compliance with 57 CFR 1.11. The reply must be filed within one of following file periods:  3. The period for reply expires on; (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, newser, with the statutory priod for reply sayring that the SKM MONTH'S from the mailing date of the final rejection. Provided the final rejection of Appeal was filed on the final rejection of the final rejection of the final rejection of the final replaced of the final rejection of the final rejection of the final rejection of the replaced because (a)—The proposed ammentment of the application in better form for appeal by materially reduc				<i>IV</i>		
Before the Filling of an Appeal Brief  Examiner   Art Unix   Robert C. Scheibel   2816    THE REPLY FILED 07 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE    The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must there is not end the following replies: (1) an amendment, all after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must there is not end the following replies: (1) an amendment, all after a reply replies for continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  3 Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  3 The period for reply expires 3 months from the mailing date of the final rejection.  b) The period for reply expires 3 months from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (4) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 756.07(f).  Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.135(a) and the appropriate extension fee hunders of CFR 1.17(a) is calculated from: (1) the expiration date of the shortened saturtory period for reply originally set in the final rejection.  NOTICE OF APERAL.  2 The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 (w), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.1.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE		Application No.	Applicant(s)	V		
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<ul> <li>8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)</li> </ul>	7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24 and 25.  Claim(s) rejected: 1-23 and 26-35.  Claim(s) withdrawn from consideration:	⊠ will not be entered, or b) □ wi vided below or appended.	II be entered and an e	explanation of		
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## Continuation Sheet (PTO-303)

Continuation of 3. NOTE: Examiner has considered applicant's arguments, but they are not persuasive. Examiner has reviewed the record as a whole and believes the rejections presented in the final rejection to be valid.

Applicant has argued that St-Pierre does not disclose the limitations that are not disclosed in 3GPP2. Applicant argues that the information is identical in the two packets sent with the same sequence number in St.-Pierre. While this may be true, it reads on the broad language of the present claims. Applicant further argues that the Examiner has relied on impermissable hindsight in combining the two references in the rejection under 35 U.S.C. 103(a). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Continuation of 11. does NOT place the application in condition for allowance because: Examiner has considered applicant's arguments, but they are not persuasive. Examiner has reviewed the record as a whole and believes the rejections presented in the final rejection to be valid. See item 3 above for more detail.

Seema S. Raso 6/2

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600